LETTER

From the NOBILITY, BARONS and COMMONS of SCOTLAND, in the Year 1320, yet Extant under all the Seals of the NOBILITY:

DIRECTED TO

POPE JOHN

Wherein they declare their firm Resolutions, to adhere to their King ROBERT *the* BRUCE, *as the Restorer of the Safety, and Liberties of the People, and as having the true Right of* Succession; *But withall, they notwithstanding Declare, That if the* King *should offer to subvert their Civil Liberties, they will disown him as an Enemy, and choose another to be* King, *for their own Defence.*

Translated from the Original, in *Latine*, as it is insert by Sir *George M'kenzie* of *Rosehaugh*, His Majesty's *Advocate*, in his Observations on Precedency, *&c.*

Impressum juxta Typum nuper Edinburgi *Excusum* Anno 1700

UMI

Jus SCOTORUM,

Or a Letter from the Nobility, *Barons and* Commons *of* SCOTLAND, *in the* Year 1320, *yet extant under all the* Seals *of the* Nobility, &c.

SAnctiſſimo Patri in CHRISTO ac Domino, Domino *Joanni* Divina Providentia Sacro-ſanctæ Romanæ & Univerſalis Eccleſiæ ſummo Pontifici, Filii ſui humiles & devoti, *Duncanus* Comes de Fyfe, *Thomas* Ranulphus Comes Moraviæ, Dominus Manniæ, & Vallis Anandiæ, *Patricius* de Dumbar, Comes Marchiæ, *Maliſius* Comes de Strathern, *Malcolmus* Comes de Levenox, *VVillielmus* Comes de Roſs, *Magnus* Comes Cathaniæ & Orcadiæ, & *Willielmus* Comes Sutherlandiæ, *Walterus* Seneſcallus, *Willielmus* de Soules Buttelarius Scotiæ, *Jacobus* Dominus de Dowglas, *Rogerus* de Moubray, *David* Dominus de Brechine, *David* de Grahame, *Ingelarmus* de Umfravile, *Joannes* de Menteith Cuſtos Comitatus de Menteith, *Alexander Frazer*, *Gilbertus* de Haia Conſtabularius Scotiæ, *Robertus* de Keith Mariſcallus Scotiæ, *Henricus* de Sanctoclaro, *Joannes* de Grahame, *David* de Lindſey, *VVillielmus Oliphant*, *Patricius* de Grahame, *Joannes* de Fenton, *VVillielmus* de Abernethie, *David* de Weyms, *Willielmus* de Monte fixo, *Ferguſius* de Ardroſan, *Euſtachius* de Maxwel, *VVillielmus* de Ramſay, *Willielmus de Monte alto. Alanus de Moravia*, *Dovenaldus Cambell*, *Joannes Camburn*, *Reginaldus le Chen*, *Alexander de Seton*, *Andreas de Leſcelyne*, & *Alexander de Straton* cæterique Barones & Libere tenentes, ac tota Communitas Regni SCOTIÆ, omnimodam Reverentiam filialem, cum devotis pedum oſculis Beatorum, Scimus

TO our moſt holy Father in Chriſt, and our Lord, *John*, by the Divine Providence, chief Biſhop of the moſt holy Roman, and Univerſal Church, Your Humble and Devoted Sons, *Duncan* Earl *of Fyfe*, *Thomas* Randolph Earl of *Murray*, Lord of *Mannia*, and *Annandale*, *Patrick de Dumbar*, Earl of *March*, *Maliſius*, Earl of *Strathern*, *Malcolm*, Earl of *Strathern*, *Malcolm* Earl of *Lennox*, *William* Earl of *Roſs*, *Magnus* Earl of *Caithneſs*, and *Orkney*, *William*, Earl of *Sutherland*, *Walter* Stuard of *Scotland*, *William de Soules*, Buttelarius of *Scotland*, *James Lord of Dowglaſs*, *Roger de Mowbray*, *David* Lord of *Brechin*, *David de Grahame*, *Ingelramus de Unfravile*, *John de Monteith*, Warder of the County of *Monteith*, *Alexander Frazer*, *Gilbert de Hay*, Conſtable of *Scotland*, *Robert de Keith*, Mariſhal of *Scotland*, *Henry de Sancto-Claro*, *John de Grahame*, *David de Lindſay*, *William Oliphant*, *Patrick de Grahame*, *John de Fenton*, *William de Abernethie*, *David de Weyms*, *William de Monte-fixo*, *Fergus de Ardroſan*, *Euſtachius de Maxwel*, *William de Ramſay*, *William de Monte-Alto*, *Alan de Murray*, *Donald Campbel*. *John Camburn*, *Reginald le Chene*, *Alexander de Seton*, *Andrew de Leſcelyne* and *Alexander de Straton*. And the reſt of the Barons and Free-holders, and whole Community, or Commons of the Kingdom of *Scotland*, Send all manner of filial Reverence, with devout kiſſes, of your Bleſſed and happy Feet.

Moſt holy Father and Lord, we know, and ga-

ſanctiſſime Pater & Domine, & ex antiquorum Geſtis & Libris colligimus, quod inter cæteras Nationes egregias, noſtra ſciz. *Scotorum* Natio, multis Præconiis fuerit inſignita: Quæ de majori *Scythia* per mare Tirrhenum, & Columnas *Herculis* Tranſiens, & in *Hiſpania* inter ferociſſimos, per multa temporum Curricula, reſidens, à nullis quantumcunque Barbaricis poterat alicubi ſubjugari; Indeque veniens, poſt mille & ducentos annos á Tranſitu populi Iſraelitici, ſibi ſedes in Occidente quas nunc obtinet, expulſis Brittonibus, & Pictis omnino deletis, licet per Norwegienſes, Danos, & Anglos ſæpius impugnata fuerit, multis ſibi Victoriis, & Laboribus quamplurimis adquiſivit; ipſaque ab omni ſervitute Liberas ut Priſcorum Teſtantur Hiſtoriæ, ſemper tenuit. In quorum Regno, centum & tredecem Reges de ipſorum Regali progenie, nullo alienigena interveniente, Regnaverunt. Quorum Nobilitates & merita, licet ex aliis non clarerent, ſatis tamen patenter effulgent ex eo quod Rex Regum Dominus IESUS CHRISTUS, poſt Paſſionem & Reſurrectionem ſuam, ipſos in ultimis Terræ finibus conſtitutos, quaſi primos, ad ſuam Fidem Sanctiſſimam; convocavit: Nec eos, per quemlibet in dictâ fide, confirmari voluit, ſed per ſuum primum *Apoſtolum* quamvis Ordine ſecundum vel tertium, ſanctum *Andream* meritiſſimum beati *Petri* Germanum, quem ſemper ipſis præeſſe voluit ut Patronum. Hæc autem ſanctiſſimi Patres & Predeceſſores veſtri ſolicita mente penſantes, ipſum Regnum & Populum, ut beati Petri Germani peculium, multis favoribus & privilegiis quam plurimis munierunt. Itaque gens noſtra, *ſub ipſorum protectione, libera hactenus degens &* quieta

gather from ancient acts, and records, that in every famous Nation, this of *Scotland* hath been celebrate with many *Praiſes*: This Nation having come from *Scythia* the Greater, through the *Tuſcan* Sea, and by *Herculus* Pillars, and having for many Ages taken its Reſidence in *Spain*, in the midſt of a moſt fierce People, could never be brought in Subjection by any People, how Barbarous ſoever: And having removed from theſe parts, above 1200 years after the coming of the *Iſraelites* out of *Egypt*, did by many Victories and much toile, obtain theſe parts in the Weſt, which they ſtill poſſeſs, having expelled the *Britons*, and intirely rooted out the *Picts*, notwithſtanding of the frequent Aſſaults, and Invaſions they met with from the *Norwegians*, *Danes*, and *Engliſh*; And theſe parts, and Poſſeſſions they have alwiſe retained free from all manner of Servitude, and Subjection, as ancient Hiſtories do Witneſs.

This *Kingdom* hath been Governed by an uninterrupted Succeſſion of 113 *Kings* all of our own Native & Royal *Stock*, without the interveening of any ſtranger.

The true Nobility and Merits of thoſe Princes and People, are very remarkable, from this one conſideration, (tho' there were no other Evidence for it) That the *King* of *Kings*, the *Lord Jeſus Chriſt*, after his Paſſion, and Reſurrection, Honoured them as it were the firſt, (though living in the outmoſt ends of the Earth) with a Call to his moſt *holy Faith*: Neither would our *Saviour* have them confirmed in the *Chriſtian Faith*, by any other Inſtrument, than his own firſt Apoſtle, (tho in order the ſecond or third) St. *Andrew* the moſt worthy Brother of the Bleſſed *Peter*, whom he would alwiſe have to be over us, as our Patron, or Protector.

Upon the weighty Conſideration of theſe Things our moſt Holy Fathers, your Predeceſſors, did with many great and ſingular Favours and Priviledges, Fence and ſecure this Kingdom and People as being the peculiar Charge, and Care, of the Brother of *St. Peter*; So that our Nation hath hitherto lived in freedom and quietneſs, under their

quieta; donec ille Princeps Magnificus Rex *Anglorum Edwardus*, Pater istius qui nunc est, Regnum nostrum Acephalum, Populumq; nullius mali aut doli conscium, nec Bellis aut insultibus tunc assuetum, sub amici & confœderati specie, innumerabiliter infestavit: Cujus Injurias, Cædes & violentias, Prædationes, Incendia, Prelatorum Incarcerationes, Monasteriorum Combustiones, Religiosorum Spoliationes, & Occisiones, alia quoque Enormia, quæ in dicto populo exercuit, nulli parcens Ætati aut Sexui, Religioni aut Ordini, nullus scriberet, nec ad plenum intelligeret, nisi quem Experientia informaret. A quibus malis innumeris, ipso juvante qui post vulnera medetur & sanat, Liberati sumus per serenissimum Principem, Regem & Dominum nostrum, Dominum *Robertum*, qui pro Populo & Hæreditate suis, de Manibus inimicorum liberandis, quasi alter *Machabeus* aut *Josue* Labores & tædia, Inedias & pericula, læto sustinuit Animo: Quem etiam Divina Dispositio, & juxta Leges & Consuetudines nostras, quas usque ad mortem sustinere volumus, juris Successio, & debitus nostrorum Consensus & Assensus, nostrum fecerunt principem atque Regem. Cui, tanquam illi per quem salus in Populo facta est, pro nostra Libertate tuenda, tam Jure quam Meritis tenemur, & volumus in omnibus adhærere. Quem, si ab inceptis desistet, Regi *Anglorum* aut *Anglicis* nos, aut Regnum nostrum volens subjicere, tanquam inimicum nostrum, & sui nostrique Juris Subversorem statim expellere niteremur, & alium Regem nostrum, qui ad defensionem nostram sufficiet, faciemus. Quia quam diu Centum vivi remanserint, nunquam *Anglorum* Domino aliquatenus volumus subjugari. *Non enim propter gloriam, divitias aut honorem, quam nemo bonus nisi simul cum vita amittit, pugnamus, sed propter libertatem solummodo,*

protection, till the *Magnificent, King Edward*, Father to the present King of *England*, did under the colour of Friendship, and Allyance, or confederacy, with innumerable oppressions infest us who minded no fraud or deceit, at a time when we were without a *King or Head*, and when the People were unacquainted with Wars and Invasions. It is impossible for any whose own experience hath not informed him to describe, or fully to understand, the injuries, Blood, and violence, the depredations and Fire, the imprisonments of *Prelates*, the burning, slaughter, and Robbery committed upon holy persons and Religious Houses, and a vast multitude of other Barbarities, which that King execute on this People without spairing of any Sex, or Age, Religion, or Order of Men whatsoever.

But at length it pleased GOD, who only can heal after wounds, to restore us to Liberty, from these innumerable Calamities, by our most *Serene Prince King and Lord Robert*, who for the delivering of his People and his own Rightful Inheritance from the Enemies hand, did like another *Joshua or Maccabeus* most chearfully undergo all manner of Toyl, Fatigue, Hardship, and Hazard. The Divine Providence, the right of Succession, by the Laws and Customs of the Kingdom (which we will defend till death) and the due and Lawfull Consent, and Assent of all the People, made him our King and Prince. To him we are obliged, and resolved to adhere in all things, both upon the account of his Right, and his own merit, as being the person who hath restored the People's safety, in defence of their Liberties. But after all, if this Prince shall leave these principles he hath so nobly pursued, and consent that We or our Kingdom be Subjected to the King or People of England, we will immediatly endeavour to expell him, as our Enemy and as the Subverter, both of his own and our Rights, and will make another King, who will defend our Liberties: For so long as there shall but one hundred of us remain alive, we will never give consent to subject our selves to the Dominion of the English. For it is not Glory, it is not Riches, neither is it Honour, but it is Liberty alone that we fight, and contend for, which no honest man will lose, but with his Life.

For these reasons, *most reverend Father and Lord,*

Hinc ille, Reverende Pater ac Domine

quod Sanctitatem vestram, cum omni Præcum substantia, Genu flexis Cordibus exoramus; Quatenus sincero corde, mentequæ pia recenseatis, quod apud eum cujus vices in terris geritis, non sic pondus, & pondus, nec distinctio Judei & Græci, Scoti aut Anglici, tribulationes & angustias nobis & Ecclesiæ DEI illatas ab Anglicis paternis, oculis intuentes; Regem Anglorum, cui sufficere debet quod possidet, cum olim Anglia septem aut pluribus solebat sufficere Regibus, monere & exhortari dignemini, ut nos *Scotos* in exili degentes *Scotiæ* ultraquam habitatio non est, nihilq; nisi nostrum cupientes in pace dimittat. Cui pro nostra procuranda quiete quicquid possumus, ad statum nostrum retorta habito, hoc facere volumus cum effectu. Vestra enim interest, Sancte Pater, hoc facere, qui Paganorum feritatem, Christianorum culpis exigentibus, in Christianos sævientem aspicitis, & Christianorum terminos arctari indies: Quare ne quid vestræ Sanctitatis memoriæ deroget, & si, quod absit, Ecclesia in aliqua sui parte vestris temporibus patiatur Ecclipsin aut Scandalum, vos videritis. Exhortet igitur Christianos principes, qui, non causam ut causam ponentes, se fingunt in subsidium Terræ Sanctæ, propter guerras quas habent cum proximis ire non posse: cujus impedimenti causa est verior, quod, in minoribus proximis debellandis, utilitas propior & resistentia debilior æstimantur. Sicquam læto corde dictus Dominus Rex noster, & nos, si Rex Anglorum nos in pace dimittet, illuc iremus; qui nihil ignorat satis novit: Quod Christi Vicario totique Christianitati ostendimus & testamur: Quibus si Sanctitas vestra Anglorum relatibus nimis credula, fidem sinceram non adhibeat; aut ip-

We do with most earnest Prayers, from our bended Knees and Hearts, beg, and entreat, your Holiness, that you may be pleased with a sincere, and cordial piety, to consider, that with Him, whose Vicar on Earth you are, there is no respect nor distinction of *Jew* nor *Greek*, *Scots* nor *English*, and that with a tender and Fatherly eye, you may look upon the Calamities, and straits, brought upon us, and the Church of God by the English; and that you may admonish, and exhort the King of *England*, (who may well rest satisfied with his own possessions, since that Kingdom of Old used to be sufficient for seven or moe Kings) to suffer us to leave at Peace in that narrow spot of *Scotland*, beyond which we have no Habitation, since we desire nothing but our own, and we on our part, as farr as we are able, with respect to our condition, shall effectually agree to him in every thing that may procure our quiet.

It is our concernment, *Most* Holy Father, to interpose in this, when you see how far the violence, and Barbarity of the Pagans is let loose to rage against Christendom for punishing of the sins of the Christians, and how much they dayly encroach upon the Christian Territories. And it is your Interest to notice, that there be no ground given for reflecting on your Memory, if you should suffer any part of the Church, to come under a Scandal, or Ecclipse (which we pray GOD may prevent) during your times. *Let it therefore please your Holiness, to exhort the Christian Princes, not to make the Warrs betwixt them and their Neighbours, a pretext for not going to the Relief of the* Holy-Land, *since that is not the true Cause of the impediment: The truer Ground of it is, that they have a much nearer prospect of Advantage, and far less opposition, in the subduing of their weaker Neighbours. And GOD (who is ignorant of nothing) knows, with how much chearfulness, both our King, and we would go thither, if the King of* England *would leave us in Peace, and we do hereby testifie and declare it to the* Vicar *of* Christ, *and to all Christendom. But, if your Holiness shall be too credulous of the English misrepresentations, and not give firm credit to what we have said, nor desist to favour the*

is in noſtram confuſionem ſavere non deſinat; corporum excidia, animarum exitia, & cetera quæ ſequentur incommoda; quæ ipſi in nobis, & nos in ipſis fecerimus, vobis ab Altiſſimo credimus imputando. Ex quo ſumus & erimus in his quæ tenemur, tanquam obedientiæ filii, vobis tanquam ipſius Vicario in omnibus complacere; ipſique tanquam ſummo Regi & Judici, cauſam noſtram tuendam committimus: Cogitatum noſtrum jactantes in ipſo, ſperanteſque finem, quod in nobis virtutem faciet, & ad nihilum rediget hoſtes noſtros. Serenitatem & Sanctitatem veſtram conſervet Altiſſimus Eccleſiæ ſuæ ſanctæ per tempora diuturna. Datum apud Monaſterium de *Aberbrothock* in *Scotia*, ſexto die *Aprilis*. Anno Gratiæ mileſimo trecenteſimo viceſimo, Anno vero Regni Regis noſtri ſuprad ci quintodecimo.

Engliſh, to our deſtruction; we muſt believe that the *Moſt High* will lay to your Charge, all the Blood, loſs of Souls, and other calamities that ſhall follow on either hand, betwixt us and them.

Your *Holineſs* in granting our juſt deſire, will oblige us in every caſe, where our duty ſhall require it, to endavour your ſatisfaction, as becomes obedient Sons of the *Vicar* of *Chriſt*.

We commit the defence of our cauſe, to Him who is the *Soveraign King* and *Judge*, we caſt the burden of our cares upon him, and hope for ſuch an iſſue as may give ſtrength, and courage to us, and bring our Enemies to nothing. *The Moſt High GOD long preſerve your Serenity, and Holineſs to his Holy Church.*

Given at the Monaſtry of *Aberbrothock* in *Scotland*, the Sixth day of *April*, in the year of *Grace* M. CCC. XX. And of our ſaid King's reign the XV. year.

FINIS.

UMI